



# PUBLIC NOTICE

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DA No. 07-1567

Report No. SCL-00027

Monday April 2, 2007

## ACTIONS TAKEN UNDER CABLE LANDING LICENSE ACT

### Section 1.767(a) Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Cable Landing Licenses (47 C.F.R. § 1.767(a))

By the Chief, Policy Division, International Bureau:

Pursuant to An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (Cable Landing License Act), Executive Order No. 10530, Exec. Ord. No. 10530 reprinted as amended in 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 C.F.R. § 1.767, the following applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules, 47 C.F.R. § 0.261. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this public notice.

This public notice serves as each cable landing licensee's Cable Landing License, or modification thereto, pursuant to the Cable Landing License Act and sections 1.767 and 1.768 of the Commission's rules. Cable landing licensees should review carefully the terms and conditions of their licenses. Failure to comply with these terms and conditions or relevant Commission rules and policies could result in fines or forfeitures.

The Commission most recently amended its rules applicable to submarine cable landing licenses in Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001), 67 Fed. Reg. 1615 (Jan. 14, 2002). An updated version of sections 1.767 and 1.768 of the rules is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>. See also [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-02-598A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-02-598A1.pdf) for a March 13, 2002 Public Notice; [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-01-332A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-332A1.pdf) for the December 14, 2001 Report and Order.

Modification

Grant of Authority

Date of Action: 03/30/2007

Grant of authority to modify the Cable Landing License for the South American-1 Cable Network (SAm-1), SCL-LIC-20000204-00003, for an additional segment to be located between the existing cable landing station at Isla Verde, Puerto Rico and a new destination point in Barranquilla, Colombia.

The SAm-1 cable is a fiber optic submarine cable system extending between: Boca Raton, Florida; Isla Verde, Puerto Rico; Fortaleza, Brazil; Salvador, Brazil; Rio de Janeiro, Brazil; Santos, Brazil; Las Toninas, Argentina; Valparaiso, Chile; Arica, Chile; Lurin, Peru; Puerto San José, Guatemala; and Puerto Barrios, Guatemala. The SAm-1 cable is operated on a non-common carrier basis.

The new digital fiber optic segment will have a minimum design capacity of 10 Gbps per fiber pair on two fiber pairs. Each fiber pair will be capable of carrying a minimum of one wavelength of traffic. The proposed extension will use the existing landing point for SAm-1 in Isla Verde, Puerto Rico. In Barranquilla, Colombia, the new segment will use the existing beach manhole and cable terminal station owned by PARAPAT, a Colombian trust containing the telecommunications infrastructure formerly owned by Empresa Nacional de Telecomunicaciones.

TI Wholesale Services Puerto Rico, Inc. and Telefonica International Wholesale Services USA Inc. (the "Applicants") are wholly owned by Telefonica International Wholesale Services America S.A. (TIWSA), a corporation organized under the laws of Uruguay. TIWSA is wholly owned by Telefonica International Wholesale Services, S.L. which is, in turn, wholly owned by Telefonica, S.A.; both organized under the laws of Spain. Telefonica is a publicly-traded company, and no person or entity has a direct or indirect ownership interest of 10 percent or greater in Telefonica.

Applicants agree to accept and abide by the reporting requirements set out in section 1.767(1) of the Commission's rules, 47 CFR § 1.767(l), for the U.S.-Colombia route.

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Transfer of Control

Grant of Authority

Date of Action: 03/30/2007

**Current Licensee:** FLAG Telecom Group Limited**FROM:** Reliance Communications Limited**TO:** Anil Ambani

Action Taken: Grant of authority to transfer control of the non-common carrier submarine cable landing license for the FLAG Atlantic-1 cable system, SCL-LIC-19990301-00005, held by FLAG Telecom Group Limited (FLAG), an indirect wholly-owned subsidiary of Reliance Communications Limited (RCOM, formerly Reliance Communications Ventures Limited), an Indian carrier, from RCOM to Mr. Anil Ambani (Mr. Ambani), a citizen of India. The FLAG Atlantic-1 cable system extends between the continental United States and the United Kingdom and France.

Licensee Information: FLAG Telecom Group Limited (FLAG), an entity created under the laws of Bermuda, is a wholly-owned subsidiary of Reliance Gateway Net Limited (RGNL), an Indian company. RGNL, in turn is a direct wholly-owned subsidiary of RCOM.

Pursuant to a series of corporate consolidations and the issuance of additional shares of stock, on September 14, 2006, without prior Commission approval, Mr. Ambani's ownership interest in RCOM and, in turn, in FLAG, increased from an aggregate 20.4543% indirect interest to an aggregate 42.90% indirect interest, giving him de facto control over RCOM and FLAG. Mrs. Ambani's aggregate indirect ownership interest increased from 13.6337% to 21.96%, and the remaining investors hold a 35.14% indirect ownership interest.

Conditions and Requirements: See, FLAG Atlantic Limited, Application for a License to Land and Operate in the United States a Private Fiber Optic Submarine Cable System Extending Between the United States and the United Kingdom and France, Cable Landing License, File No. SCL-LIC-19990301-00005, DA 99-2041, 15 FCC Rcd 21359, 21363-64, para. 15 (Int'l Bur. 1999); Actions Taken Under Cable Landing License Act, SCL-MOD-20040211-00005, SCL-MOD-20040211-00006, Public Notice, 19 FCC Rcd 20344 (2004) (modifying conditions to add new pro forma condition and no special concession condition set out in 47 C.F.R. 1.767(g)(5), (7)).

Licensees shall comply with the requirements of Section 1.768 (notifications and prior approval for submarine cable landing licensees that are or propose to become affiliated with a foreign carrier), 47 C.F.R. § 1.768.

Regulatory Status of Cable: The Flag Atlantic-1 cable system operates on a non-common carrier basis. See Cable Landing License, File No. SCL-LIC-19990301-00005, 15 FCC Rcd 21359, para. 1.

Cable Design and Capacity: See Cable Landing License, File No. SCL-LIC-19990301-00005, 15 FCC Rcd 21359, 21360, para. 4, 21366, Exhibit A; see also FLAG Atlantic-1 Landing Point Notification, File No. SCL-LPN-19991228-00025 (filed Dec. 28, 1999).

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Transfer of Control

Grant of Authority

Date of Action: 03/30/2007

**Current Licensee:** TI Wholesale Services Puerto Rico, Inc.**FROM:** Telefonica, S.A.**TO:** Telefonica, S.A.

Action Taken: Grant of authority for the pro forma transfer of control of the Cable Landing License for the South American-1 Cable Network (SAM-1), SCL-LIC-20000204-00003, held by TI Wholesale Services Puerto Rico, Inc. (TIPR) and Telefonica International Wholesale Services USA Inc. (TIUSA). The SAM-1 cable is a fiber optic submarine cable system extending between: Boca Raton, Florida; Isla Verde, Puerto Rico; Fortaleza, Brazil; Salvador, Brazil; Rio de Janeiro, Brazil; Santos, Brazil; Las Toninas, Argentina; Valparaiso, Chile; Arica, Chile; Lurin, Peru; Puerto San José, Guatemala; Puerto Barrios, Guatemala; and, Barranquilla, Colombia.

Licensee Information: TIPR and TIUSA are both indirect, wholly-owned subsidiaries of Telefonica S.A. On December 29, 2003, without prior Commission authorization (see Telefonica Sam USA, Inc and Telefonica Sam de Puerto Rico, Inc.; Application for a License to Land and Operate in the United States a Private Submarine Fiber Optic Cable Network Extending Between Florida, Puerto Rico, Brazil, Argentina, Chile, Peru and Guatemala, SCL-LIC-20000204-00003, Cable Landing License, 15 FCC Rcd 14915, 14930, para. 36(5) (TD/IB 2000)), one of the intermediate holding companies was replaced with another one. Specifically, Emergia Holding NV, a Netherlands company, was dissolved and its indirect ownership of TIPR and TIUSA was transferred to Telefonica International Wholesale Services, S.L., a Spanish company. TIPR and TIUSA continue to be indirect, wholly-owned subsidiaries of Telefonica S.A.

Conditions and Requirements: See Telefonica Sam USA, Inc and Telefonica Sam de Puerto Rico, Inc.; Application for a License to Land and Operate in the United States a Private Submarine Fiber Optic Cable Network Extending Between Florida, Puerto Rico, Brazil, Argentina, Chile, Peru and Guatemala, SCL-LIC-20000204-00003, Cable Landing License, 15 FCC Rcd 14915, 14930, para. 36 (TD/IB 2000).

Licensees shall comply with the requirements of Section 1.768 (notifications and prior approval for submarine cable landing licensees that are or propose to become affiliated with a foreign carrier), 47 C.F.R. § 1.768.

Applicants agree to accept and abide by the reporting requirements set out in section 1.767(1) of the Commission's rules, 47 CFR § 1.767(1), for the U.S.-Colombia route (see TI Wholesale Services Puerto Rico, Inc. Modification, File No. SCL-MOD-20061207-00012 (granted March 30, 2007, DA 07-1567) (adding a landing in Barranquilla, Colombia)).

Regulatory Status of Cable: The SAM-1 cable system operates on a non-common carrier basis. See Cable Landing License, File No. SCL-LIC-20000204-00003, 15 FCC Rcd at 14915, para. 1.

Cable Design and Capacity: See Cable Landing License, File No. SCL-LIC-20000204-00003, 15 FCC Rcd 14915, 14917, paras. 1, 4, 21366, see also Telefonica SAM USA, Inc. Landing Point Notification, File No. SCL-LPN-20000920-00030 (filed Sept. 20, 2000); TI Wholesale Services Puerto Rico, Inc. Modification, File No. SCL-MOD-20061207-00012 (granted March 30, 2007, DA 07-1567) (adding a landing in Barranquilla, Colombia).

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